

CONFIDENTIAL

REPORT

--

DATE OF INFORMATION 1950

DATE DIST. 6 Oct 1950

NO. OF PAGES 5

SUPPLEMENT TO REPORT NO.

THIS IS UNEVALUATED INFORMATION

TRADE UNION LAW BECOMES EFFECTIVE

Peiping, 29 June (Hsin-hua) -- On 29 June, Chairman Mao Tse-tung proclaimed that, as of that date, the Trade Union Law, which has been ratified by the eighth session of the Government Administration Council of the Central People's government on 28 June 1950, shall become effective.

GENERAL PROVISIONS

A labor union is a voluntary organization which unifies the working class. All permanent or temporarily employed workers and staff employees in any enterprise, agency, or school etc. within the borders of China, whose income from labor is the chief source of livelihood and who legally obtain a workers' status through physical or mental toil, shall have the right to organize a labor union.

A labor union shall be organized according to the democratic centralization system stipulated by the constitution and the resolutions of the ACFL (All-China Federation of Labor) which were passed at the All-China Labor Assembly. Labor-union committees of all levels shall be established by means of elections at the plenary assemblies or delegates assemblies. Members of a labor union shall, at their own discretion, have the right to change the appointed delegates or committee members in accordance with the resolutions and constitution. Labor-union committees of all levels shall be required to submit activity reports at the plenary assemblies or delegates assemblies, and shall adhere to the resolutions or directives of the relevant labor-union organizations.

CONFIDENTIAL

CONFIDENTIAL

Sanitized Copy Approved for Release 2011/09/14 : CIA-RDP80-00809A000600350209-1

CONFIDENTIAL

CONFIDENTIAL

50X1-HUM

Article 3

A labor union is an organization of a collective group established in accordance with the resolutions and constitutions passed at the All-China Labor Assembly and delegates assemblies of various industrial unions, including cultural and educational workers union, government workers union, etc. It has an independent unified command channel throughout China with the ACFL as its supreme authority. In organizing a labor union, it is necessary to notify the ACFL or its subordinate industrial or regional union for examination and approval and to request the local people's government to register such an organization.

Article 4

Any other group which is not organized in accordance with Article 3 of this Trade Union Law, may not be called a labor union, and may not enjoy the rights prescribed in this Trade Union Law.

RIGHTS AND DUTIES OF A LABOR UNION

Article 5

A labor union shall have the right of representing workers and staff employees in state-owned and cooperative enterprises concerning factory management, and signing collective contracts with enterprise administrations.

Article 6

A labor union shall have the right of representing workers and staff employees in privately owned enterprises in the negotiations and discussions with management, in labor-management consultative meetings, and in signing collective contracts.

Article 7

A labor union shall have the right of protecting the privileges of workers and staff employees, in causing administrations and managements to adhere to governmental laws and regulations concerning labor insurance, payment of standard wage scale, concerning safety and health in factories, and other such regulations and directives, and in the pursuance of a program to help improve the material and cultural livelihood of workers and staff employees.

Article 8

A labor union shall have the right of demanding that the relevant state-owned or cooperative enterprise administration submit activity reports at the plenary or delegates assembly of the relevant labor-union committee, and of representing workers and staff employees at the meetings of the enterprise control committee or enterprise administration.

Article 9

A labor union shall have the following duties in accordance with the constitution and resolutions concerning the protection of the basic rights of working class:

a. Educate and organize workers and staff employees to uphold the laws and regulations of the People's government; and, in the pursuance of People's government policies, to consolidate the People's government in which the working class plays the leading part in administering.

- 2 -

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

50X1-HUM

b. Educate and organize workers and staff employees to guarantee the fulfillment of production plans by encouraging the implementation of new labor outlook, the adherence to labor discipline, and by organizing competitions in which top workers will be imitated, and other production campaigns.

c. In state-owned and cooperative enterprises, and in agencies or schools, encourage protection of public property, oppose corruption, extravagance, and bureaucratism, and fight against destructive elements.

d. In privately owned enterprises, implement production increases, pursue labor-management mutual-benefit policies, and oppose transgression of governmental laws and regulations, and interference in production activities.

Article 10

People's governments of all levels shall appropriate the necessary funds to the ACFL, industrial unions, and regional unions for the establishment of facilities and equipment to carry on business, conferences, educational programs, recreational activities, and collective welfare projects. In the use of postal administration, telegraph, telephone, railroad, highway, and navigation facilities, labor unions shall receive equal treatment to equal level government agencies.

Article 11

When an administration or management wishes to dismiss or transfer a member of a labor-union committee who was elected by the masses, he shall be required to obtain consent of the relevant committee, which in turn, shall obtain the approval of the superior labor-union committee, before such transaction can be carried out.

Article 12

A committee member or a delegate dispatched by a labor union shall be allowed to inspect factories, shops, or living quarters of any enterprise, agency, or school, under the jurisdiction of the relevant union. Neither administration nor management shall be permitted to interfere with such an inspection. Under special conditions, however, this regulation is inapplicable.

BASIC ORGANIZATION

Article 13

Any factory, mine, business house, farm, agency, or school which has more than 25 operational or administrative workers and staff employees, may establish a labor-union basic committee. Where the number is less than 25 workers and staff employees, one organizer may be appointed whose authority shall be same as that of a labor-union basic committee. The methods of organizing a labor-union basic committee shall conform to the regulations of the ACFL and those of the national committee of the relevant industrial labor union.

Article 14

Any organization in a factory, mine, business house, farm, agency, or school with operational or administrative personnel, not organized in accordance with Article 3 and Article 13 of this Trade Union Law, and without the consent of the basic organization of the relevant industrial or regional union, shall be denied the privileges enjoyed by a labor-union basic organization.

Article 15

The number of committee members employed to carry on union activities only but not production activities in a basic organization of a labor union, in any factory, mine, business house, farm, agency, or school having operational or

- 3 -

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

50X1-HUM

administrative personnel, shall conform to the following fixed norm: for 200 to 500 workers and staff employees, one committee member; for 501 to 1,000, two members; for 1,001 to 1,500, three members; for 1,501 to 2,500, four members; and for 2,501 to 4,000, five members. Where workers and staff employees number more than 4,000, one member each shall be added for every 2,000 additional workers and staff employees. If a labor-union basic committee in any factory, etc., with workers and staff employees of less than 200, desires committee member or members to carry on union activities only, such a request must be submitted to and approved by a superior labor-union committee.

Article 16

The names of committee members chosen must be made known to the relevant administration or management. The administration or management shall be required to abide by the resolutions of the labor-union basic committee and shall not be permitted to abrogate work demanded by the committee members.

Article 17

The wages of committee members shall be paid by the relevant labor union. The amount may not be less than the wages they earned at the time of appointment. They shall continue to enjoy labor-union and other welfare benefits provided by the administration or management. When their terms of office expire, the administration or management should guarantee the restoration of their former positions or give them positions with comparable pay.

Article 18

The administration or management of any factory, etc. having operational or administrative workers and staff employees, shall not interfere with the calling of a plenary assembly or a delegates meeting by the relevant labor-union basic committee. Preferably, such meetings shall be held outside of working hours. Under special circumstances, a meeting may be called during working hours after having receiving consent from administration or management. Such meetings, held on company time, shall not consume more than 2 working days per month per person, and the administration or management may not deduct wages for time spent in meetings.

Article 19

A labor union shall be required to elect delegates to attend people's delegates conferences or assemblies in accordance with the directives of the people's government of municipal or hsien level or above; or, elect delegates to attend labor-union delegates assemblies in accordance with the directives of labor-union committees of municipal or provincial level or above. Such elections may be held on company time. Compensation covering conference time, for delegates from privately owned enterprises attending the aforementioned conference or assembly or other meetings, shall be paid by the group calling such a gathering.

Article 20

The administration or management of any factory, mine, etc., which employs more than 100 operational or administrative personnel, shall be required to supply without cost, facilities and equipment (water, electricity, furniture, etc.) to the labor-union basic committee where a business office may be set up and assemblies or conferences may be held. In any factory, mine, etc., where workers and staff employees number less than 100, and where no special building is available a labor-union desk may be set up and meetings may be held in a public building used for other purposes.

- 4 -

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

50X1-HUM

Article 21

When a worker is hired by the administration or management, the transaction shall be reported to the relevant labor-union basic committee. If, after examination, the committee notices a violation of governmental laws, regulations, or collective contract, it has the right to submit, within 3 days, a protest at a labor-management consultative meeting. If such meeting results in arguments, an amicable settlement must be reached in accordance with the procedure stipulated in the "Regulations Governing the Settlement of Labor Disputes." Article 21 shall not be applicable to personnel assigned to people's governments of all levels.

Article 22

If an administration or management desires to dismiss a worker or a staff employee, it shall be required to submit a 10-day notice, giving the name of person and reasons for the action, to the relevant labor-union basic committee. If the committee finds such dismissal contrary to governmental laws, regulations, or collective contract, it has the right, within 7 days, to protest at a labor-management, consultative meeting. If such meeting results in arguments, and amicable settlement must be reached in accordance with the procedure set forth in the "Regulations Governing the Settlement of Labor Disputes." Article 22 shall not be applicable to personnel assigned to people's governments of all levels.

FINANCESArticle 23

The principle of independence shall be adhered to in financing a labor union. A labor union may draw up its own budget, settle its own accounts, keep books, or examine accounts entirely on the principle of its own desire.

Article 24

Labor-union income shall be provided by:

- a. Membership dues as stipulated in the constitution of the ACFL.
- b. Two percent of the total monthly real wage bill (including money, goods, and foodstuff) expended by the management of each state-owned or privately owned enterprise for labor-union expenditure; 1.5 percent of which shall be set aside as cultural and educational funds for workers and staff employees.
- c. Income from union-sponsored cultural and sport activities.
- d. Subsidies from people's governments of all levels.

Article 25

The ACFL shall decide the methods of expending finances by labor-union committees of all levels.

BY-LAWArticle 26

The Trade Union Law shall become effective after it has been passed and promulgated by the Government Administration Council of the Central People's government.

- E N D -

- 5 -

CONFIDENTIAL

CONFIDENTIAL